



COUNTY ATTORNEY'S OFFICE MEMORANDUM

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney

FROM: Lynn Vous, Assistant County Attorney

CONCUR: Pam Hastings, Administrative Manager/Public Works Department
David V. Nichols, P.E., Principal Engineer/Engineering Division

DATE: June 7, 2005

RE: Bunnell Road/Eden Park Avenue road improvement projects
Binding Written Offer/Offer of Judgment
Country Creek Master Association
Parcel Nos. 109/709 AC (Bunnell Road)
Parcel Nos. 815A; 815B; 715C; 715D and 817 (Eden Park Avenue)

This Memorandum requests authorization by the Seminole County Board of County Commissioners (BCC) to make a binding first written offer/offer of judgment as to the parcels and at the amount set forth below:

I THE PROPERTY

The acquisitions are part of the Country Creek Master Association common areas adjacent to Bunnell Road and Eden Park Avenue in Altamonte Springs, Seminole County, Florida. Parcel 109 is a strip take needed for the widening of Bunnell Road. Temporary Construction Easements 709 A & C are located to the east where the County is relocating the main entrance to the subdivision. Temporary Construction Easements 715 A & B and Permanent Easements 815 C & D are located at the south entrance to the Country Creek subdivisions on the east side of Eden Park Avenue and Permanent Easement 817 is located at the entrance to the Forest Edge at Country Creek subdivision.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2004-R-72 on April 13, 2004, First Amended Resolution No. 2005-R-5 on January 11, 2005 and Second Amended Resolution No. 2005-R-70 on April 12, 2005, authorizing the acquisition of the referenced property for Bunnell Road, and finding that the improvements are necessary and serve a County and public purpose and are in the best interests of the citizens of Seminole County. A

Third Amended resolution of necessity for the Bunnell Road improvement project is being submitted contemporaneously to the BCC for approval.

The BCC adopted Resolution No. 2004-R-73 on April 13, 2004 and First Amended and First Supplemental Resolution No. 2005-R-69 on April 12, 2005, authorizing the acquisition of the referenced property, and finding that the construction of the Eden Park Avenue road improvement project is necessary and serves a county and public purpose and is in the best interests of the citizens of Seminole County.

III APPRAISED VALUES

Clayton, Roper & Marshall, Inc., completed appraisals for the listed parcels. The County's staff appraiser reviewed and approved the appraisals.

IV PROPERTY OWNERS/APPRAISED VALUES

PARCEL NOS.	PROPERTY OWNER	PROPERTY TO BE ACQUIRED	COUNTY'S APPRAISED VALUE	PROPOSED OFFER
BUNNELL ROAD				
109	COUNTRY CREEK MASTER ASSOCIATION, INC.	14,042 sf	\$241,100.00	\$337,800.00
709A	COUNTRY CREEK MASTER ASSOCIATION, INC.	161 sf	2,300.00	
709C	COUNTRY CREEK MASTER ASSOCIATION, INC.	10,082 sf	94,400.00	
	TOTAL			\$337,800.00

EDEN PARK AVENUE				
815A	COUNTRY CREEK MASTER ASSOCIATION, INC.	592 sf	\$2,000.00	\$ 2,000.00
815B	COUNTRY CREEK MASTER ASSOCIATION, INC.	551 sf	1,900.00	1,900.00
715C	COUNTRY CREEK MASTER ASSOCIATION, INC.	402 sf	1,200.00	1,200.00
715D	COUNTRY CREEK MASTER ASSOCIATION, INC.	616 sf	2,400.00	2,400.00
817	COUNTRY CREEK MASTER ASSOCIATION, INC.	1,796 sf	6,900.00	6,900.00
	TOTAL EDEN PARK AVENUE			\$ 14,400.00
	COMBINED TOTAL ALL PARCELS			\$352,200.00

V SETTLEMENT ANALYSIS/COST AVOIDANCE

The County is required to extend a written offer/offer of judgment to a property owner prior to filing suit to acquire property through eminent domain. The proposed binding offer amounts are at the appraised values. The County has reached an agreement with Country Creek Master Association for settlement. This binding written offer is necessary for the County to acquire the property through eminent domain in case the parties fail to finalize the proposed agreement.

VI RECOMMENDATION

County staff recommends that the BCC authorize a binding written offers/offers of judgment at the amount stated above.

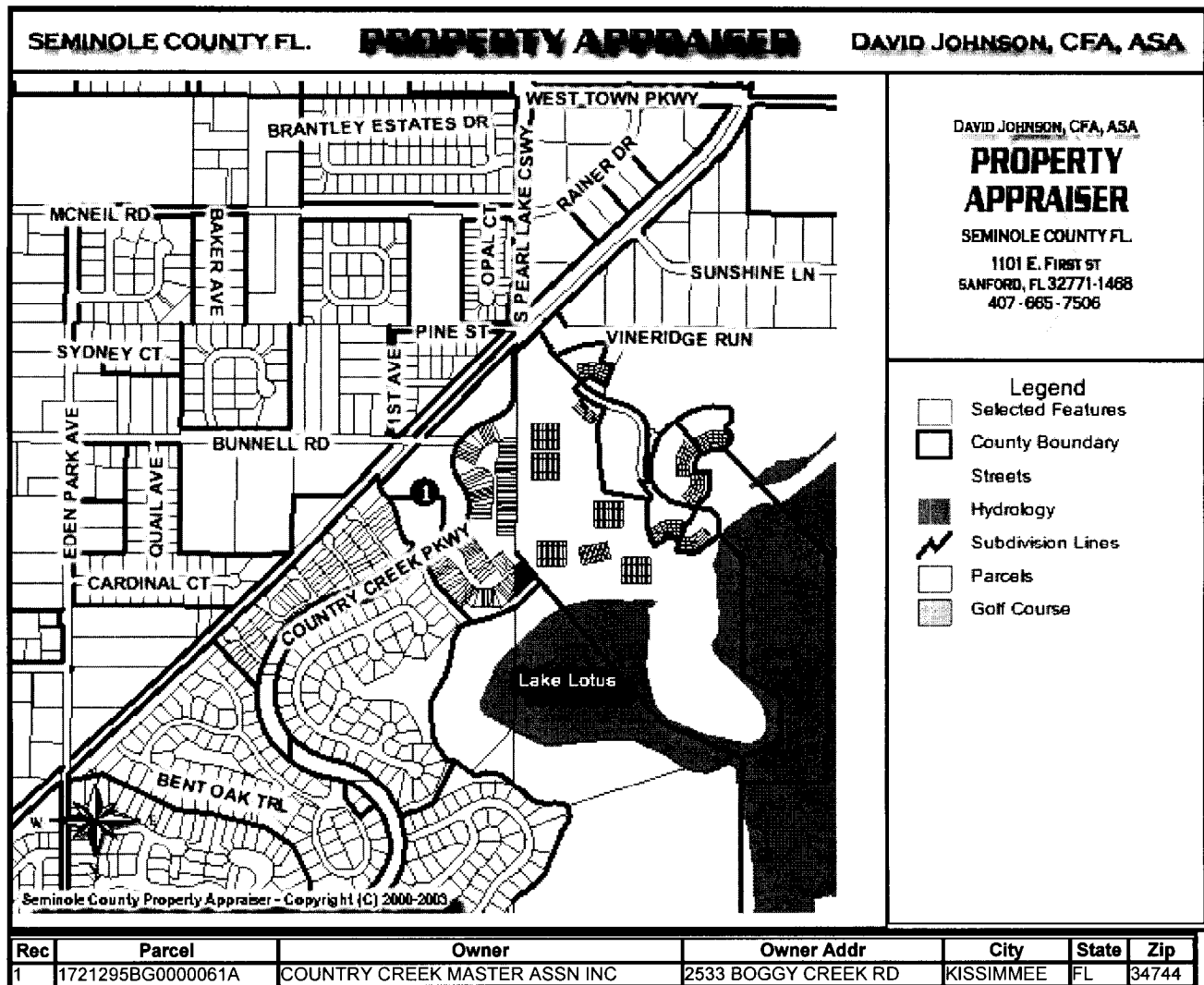
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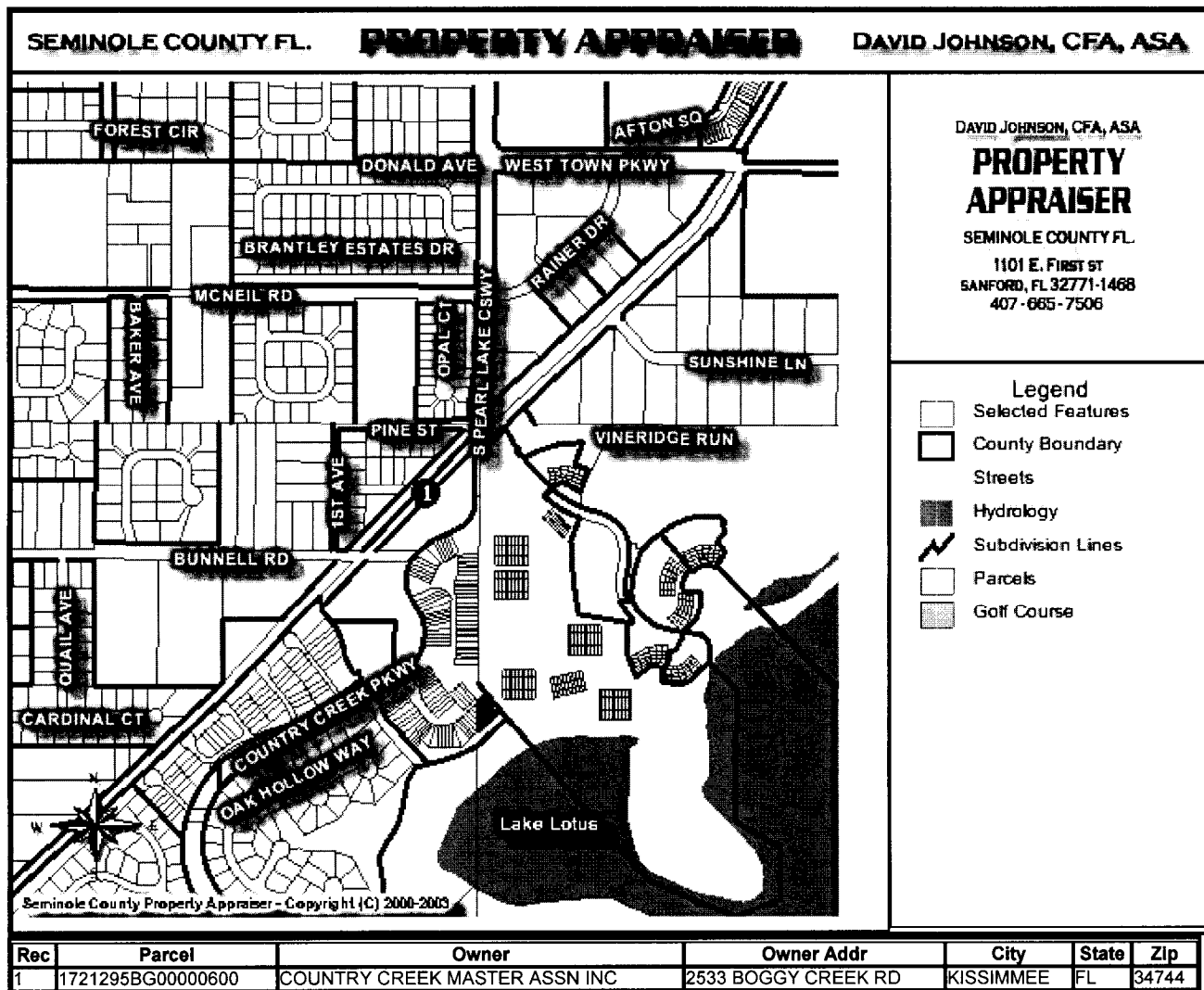
Attachments:

Exhibit A - Location Map (Bunnell Road)

Exhibit B – Location Map (Eden Park Avenue)

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**EXHIBIT A**

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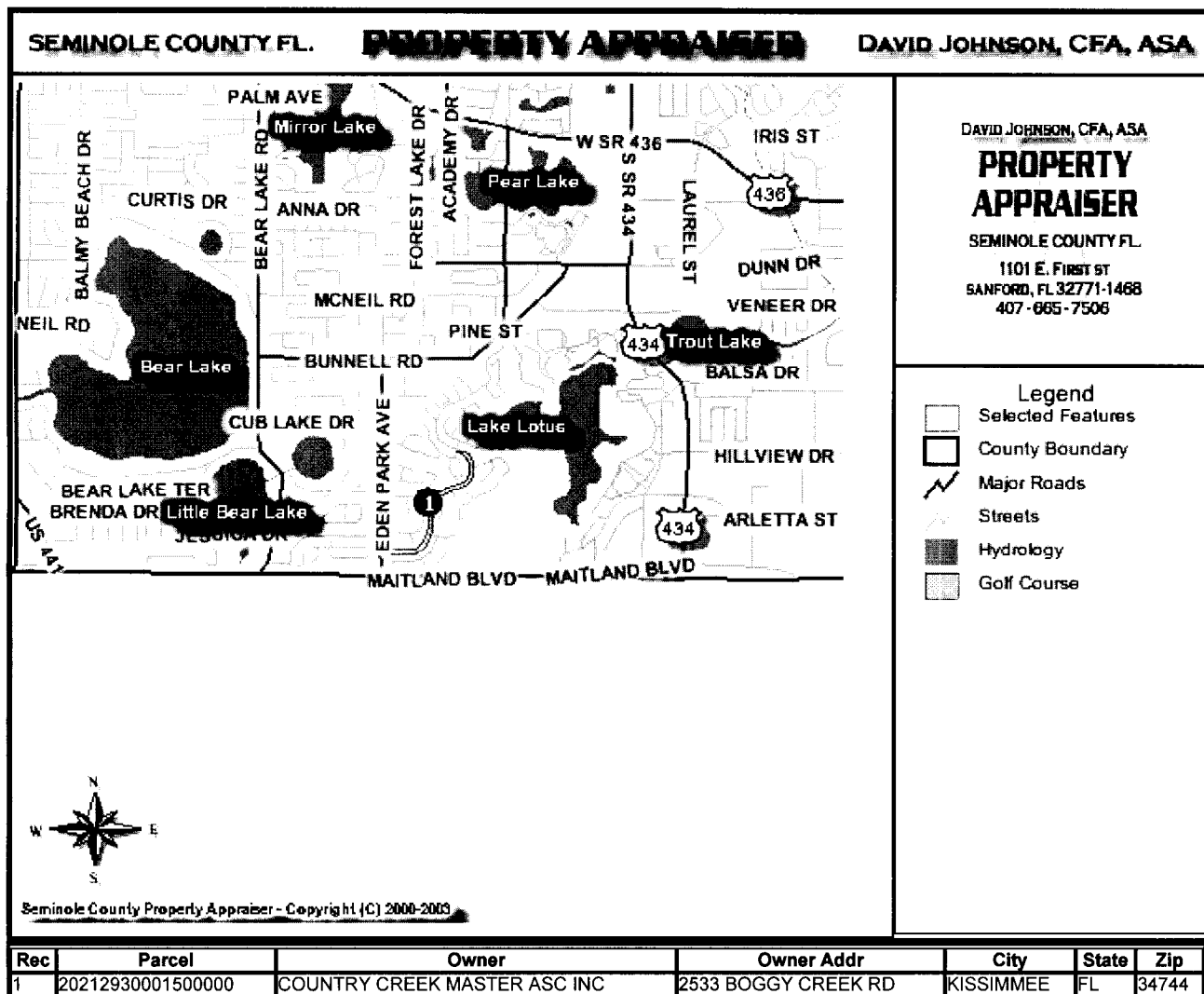


EXHIBIT B

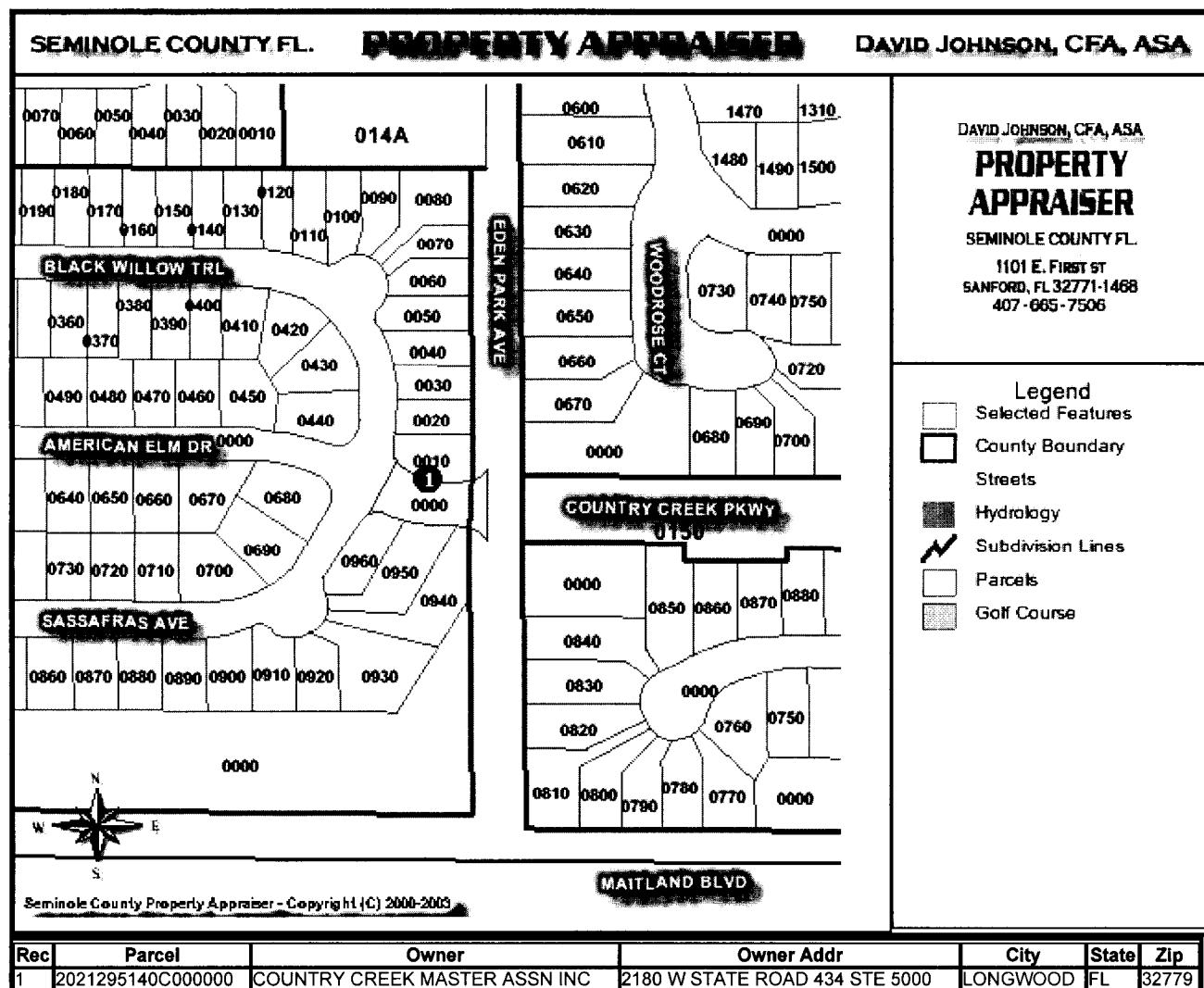


EXHIBIT B